

**SILVERBERG ZALANTIS LLP**  
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Telephone: (914) 682-0707  
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*Attorneys for defendant Araz Alali*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWIN VERAS,

Plaintiff,

-against-

CITY OF NEW ROCHELLE, ARAZ ALALI, JOHN  
and JANE DOES 1 through 10,

**Defendants.**

X  
: Case No. 07-CV-11172 (CLB)

**REPLY  
AFFIDAVIT  
PURSUANT TO  
LOCAL RULE 1.4**

[illegible]

KATHERINE ZALANTIS, being duly sworn, deposes and says:

1. I am an attorney admitted to practice law before the Courts of the State of New York and the United States District Court for the Southern District of New York and I am a member of the firm of Silverberg Zalantis LLP.

2. I submit this reply affidavit in further support of Silverberg Zalantis LLP's application for an order to be relieved as counsel for the defendant Araz Alali in the above-entitled action pursuant to Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York ("Rule 1.4") and for an order

that this Court stay further proceeding (including the time to depose Plaintiff and file an appropriate motion on the issue of a qualified immunity defense) until such time that there can be substitution of attorneys in the place and stead of Silverberg Zalantis LLP.

3. Mr. Lovett of Lovett & Gould, avers in his response to the instant motion that he also appeared on behalf of Police Officer Alali and filed an answer on behalf of Police Officer Alali on January 17, 2007. The City's counsel advised that it had not been served with said answer and only learned of the filing of said answer last week. In addition, your affirmant also learned of it after reading Mr. Lovett's affirmation.

4. According to the Court Clerk's office, there was an error in the electronic filing system. The answer filed by this firm and the City's counsel were served and filed on January 23, 2007 in Case No. 1:07-cv-11172 (attached as Exhibit "A" is the receipt of electronic filing and the e-mail from the Court evidencing the filing of this firm's answer). Apparently, another case number was subsequently opened (7:07-cv-11172), but the filings in the original case number were never transferred into the new case number. Accordingly, the Court Clerk's office advised that the file needs to be corrected so that the answers filed by this firm and the City's counsel are reflected on the docket.

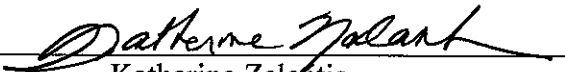
5. But Mr. Lovett never advised in his February 1, 2007 letter to me that he filed an answer on behalf of Police Officer Alali (*see* Exhibit "C" to the original moving papers) and never responded to our February 8, 2008 letter to advise that he had filed an answer even though in that letter we specifically stated that we filed an answer on Police Officer Alali's behalf (*see* Exhibit "D" to the moving papers). Apparently, even Plaintiff had no knowledge of Mr. Lovett's involvement in this action as he directed his February

27, 2008 letter advising of the April 18, 2008 Court Conference to only me and to the City's counsel (*see* Exhibit "B" attached hereto).

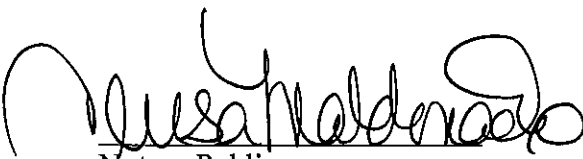
6. It would have saved time and energy for all involved had the parties had knowledge of Mr. Lovett's involvement in this action before last week.

7. Nonetheless, Silverberg Zalantis LLP seeks to be relieved as counsel based upon the non-cooperation of Police Officer Alali and it is respectfully requested that this Court grant Silverberg Zalantis LLP's application and stay further proceedings (including the time to depose Plaintiff and file an appropriate motion on the issue of a qualified immunity defense) until such time that there can be substitution of attorneys in the place and stead of Silverberg Zalantis LLP.

WHEREFORE, it is respectfully requested that this Court grant the application of Silverberg Zalantis LLP in its entirety, together with such other and further relief as this Court deems just and equitable.

  
Katherine Zalantis

Sworn to before me this 15<sup>th</sup>  
day of April, 2008

  
Notary Public

TERESA L. MALDONADO  
Notary Public, State of New York  
No. 01MA6056317  
Qualified in Westchester County  
Commission Expires 03/19/2011

## Answers to Complaints

1:07-cv-11172-CLB Veras v. The City of New Rochelle et al  
ECF, RELATED

### U.S. District Court

United States District Court for the Southern District of New York

### Notice of Electronic Filing

The following transaction was entered by Zalantis, Katherine on 1/23/2008 at 3:34 PM EST and filed on 1/23/2008

**Case Name:** Veras v. The City of New Rochelle et al  
**Case Number:** 1:07-cv-11172  
**Filer:** Araz Alali  
**Document Number:** 10

#### Docket Text:

**ANSWER to Complaint. Document filed by Araz Alali. (Attachments: # (1) Affidavit of Service)(Zalantis, Katherine)**

#### 1:07-cv-11172 Notice has been electronically mailed to:

Peter Alexander Meisels peter.meisels@wilsonelser.com

Katherine H. Zalantis zalantis@szlawfirm.net

#### 1:07-cv-11172 Notice has been delivered by other means to:

Brett H. Klein  
Leventhal & Klein, L.L.P.  
45 Main Street  
Suite 820  
Brooklyn, NY 11201

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1008691343 [Date=1/23/2008] [FileNumber=4202440-0]  
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**Document description:**Affidavit of Service

**Original filename:**n/a

**Electronic document Stamp:**

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Filters Used:

1 Tagged Record

# Email Report

Form Format

Date Printed: 4/09/2008

Time Printed: 10:51AM

Printed By: KATHY

Date 1/23/2008 Time 3:34PM 3:34PM Duration 0.00 (hours) Code  
 Subject Notice of Filing of Answer: Activity in Case 1:07-cv-11172-CLB \ Staff Katherine H Zalantis  
 Client Araz Alali MatterRef Alali adv Veras MatterNo Alali New Roc  
 From NYSD\_ECF\_Pool@nysd.uscourts.gov <NYSD\_ECF\_Pool@nysd.uscourts.gov>  
 To deadmail@nysd.uscourts.gov

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U.S. District Court

United States District Court for the Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Zalantis, Katherine on 1/23/2008 at 3:34 PM EST and filed on 1/23/2008

Case Name: Veras v. The City of New Rochelle et al

Case Number: 1:07-cv-11172 <<https://ecf.nysd.uscourts.gov/cgi-bin/DktRpt.pl?317875>>

Filer: Araz Alali

Document Number: 10

<[https://ecf.nysd.uscourts.gov/doc1/12704363197?magic\\_num=15027047&de\\_seq\\_num=45&caseid=317875](https://ecf.nysd.uscourts.gov/doc1/12704363197?magic_num=15027047&de_seq_num=45&caseid=317875)>

Docket Text:

ANSWER to Complaint. Document filed by Araz Alali. (Attachments: # (1) Affidavit of Service)(Zalantis, Katherine)

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Peter Alexander Meisels peter.meisels@wilsonelser.com

Katherine H. Zalantis zalantis@szlawfirm.net

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Leventhal & Klein, L.L.P.  
45 Main Street  
Suite 820  
Brooklyn, NY 11201

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

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Document description:Affidavit of Service

Original filename:n/a

Electronic document Stamp:

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JASON LEVENTHAL, JR.  
BRETT H. KLEIN  
ALISON E. GUGEL

60 BAY STREET, SUITE 701  
STATEN ISLAND, NY 10301

February 27, 2008

**BY MAIL**

Peter A. Meisels, Esq.  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP.  
3 Gannett Drive  
White Plains, NY 10604-3407

✓ Katherine Zalantis, Esq.  
Silverberg Zalantis, LLP.  
3 Barker Avenue  
White Plains, New York 10601

Re: Edwin Veras v. City of New Rochelle, et al.  
07- CV-11172(CLB) (MDF)

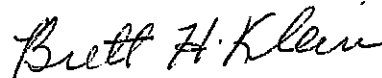
Dear Counselors:

In connection with the above-referenced matter, Justice Charles L. Bricant has directed that counsel for all parties shall attend a conference on Friday, April 18, 2008, at the United States Courthouse, White Plains, New York, in courtroom 218, at 9: 45 a.m.

Enclosed please find the Order For Court Conference.

Thank you for your anticipated cooperation.

Very truly yours,

  
Brett H. Klein

Enc.



**Katherine Zalanitis**  
**Notary Public State of New York**  
**No. 02ZA5067359**  
**Qualified in Westchester County**  
**Commission Expires 10/15/10**